

**SPECIAL REPORT**  
of the  
**RESEARCH COUNCIL**  
concerning  
**THE POLICY**  
**ON**  
**DATA OWNERSHIP, RETENTION, AND ACCESS**  
**AT THE**  
**UNIVERSITY OF MASSACHUSETTS AMHERST**

Presented at the  
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## **Data Ownership, Retention, and Access at the University of Massachusetts Amherst**

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The University of Massachusetts Amherst supports a wide variety of research and scholarly activity. A fundamental component of many research investigations is the creation and use of data. It is in the interest of the research enterprise at large to make such data available to others, to the extent possible. This is important for furthering new research efforts and for enabling others to examine previous research in detail. It is in the University's interest to facilitate these processes, and to assist and protect those who conduct research and scholarly activities on behalf of the University.

### **External Policies and Guidelines**

Various federal agencies have formulated policies regarding data ownership, retention, and access. For example, see [Part C.53 of the Office of Management and Budget's \(OMB\) grants management circular A-110](#), the Council on Government Relations (COGR) document '[Access to and Retention of Research Data: Rights and Responsibilities](#),' Chapter 6 of Steneck's '[Introduction to the Responsible Conduct of Research](#),' and the various requirements regarding research data stated by the National Science Foundation (NSF), the National Institute for Health (NIH), and other government funding agencies. Some publishers impose requirements on the access to data as a condition for publication.

The Amherst Campus policy (this document) applies to all campus research and researchers, regardless of funding source, if any. For sponsored research, any relevant policies of the sponsor shall apply in addition to those provided here. Any apparent conflicts of policies are to be resolved in writing and approved by the Vice Chancellor for Research and Engagement prior to accepting an award, contract, or other binding agreement.

### **Data Definition**

Data shall be construed as all recorded information, regardless of medium, and all actual samples or examples, that were created or gathered and that could serve to influence or support a research finding or conclusion. Data does not include such items as research papers cited by the researcher, preliminary notes or paper drafts, reviews, or related communications, or items that are already the property of others. This definition is intended to characterize current research norms, not to modify them.

### **Data Ownership**

The Amherst campus of the University of Massachusetts is the **owner** or **joint owner** of all data that is created or collected by its employees or contractors, except when the creation or collection of such data is governed by a written agreement or contract to the contrary, approved in writing by the Vice Chancellor for Research and Engagement. Terms of the campus policy on intellectual property may apply as well.

When another research institution or entity has joint ownership rights to data, agreed in writing prior to creation of the data, the data shall be owned jointly as agreed. Each such institution shall have

unfettered access rights to the original data. Such an institution not holding or serving as custodian for the original data may copy the data and own the copy.

When a creator of data ceases to be an employee or contractor of the University, the creator must leave the data in the physical possession of the owner(s), but will continue to have access rights to the data. The creator may take a copy of the data, at creator's expense.

### **Data Custody**

The researcher(s) who created the data typically serve as the custodian of the University's data. Such researchers act on behalf of the University, without limiting the University's ownership rights. Data may not be removed from the University premises, except on a temporary basis when work occurs elsewhere, without written approval of the Vice Chancellor for Research and Engagement. The custodian of the data shall take all reasonable steps to protect the data from damage or loss, including damage or loss due to catastrophic events. The owner of the data shall provide storage space and financial support as necessary to maintain the data. The University may elect to serve as custodian of the data, but may not limit the creator's access to those data.

### **Data Quality**

Data shall be maintained in a manner that prevents alteration or that makes any and all alterations evident. For example, written data should be recorded in a bound notebook with numbered pages. If a datum is revised, the reason for revising it must be documented and dated. Electronic data should be kept on a read-only medium, or in a read-only mode. The creator of data should be able to document and defend any modification of the data.

### **Data Retention**

Data shall be retained for at least three years after its creation. If the data were created as part of a sponsored research project, then the data shall be retained for at least three years after the final report to the sponsor has been submitted, or the ending date of the project, whichever is later. The data shall be retained for a longer period as dictated by any applicable policy or written agreement. If more than one minimum period of retention is deemed to apply, the data will be retained for the longest of these periods. If the data led to the granting of a patent, then the data shall be retained for the life of the patent and its extensions. The data shall be retained while any litigation or legal action or investigation of allegations regarding it is pending. The data shall otherwise be retained for as long as anyone expresses, in writing, an interest in its retention. In no case will the data be discarded or destroyed when it is known to be in use.

### **Data Access**

Researchers shall endeavor to make their data publicly available as soon as possible, and to the extent possible. Access may be delayed while the correctness of the data is being verified, until an initial publication based on the data appears, for the minimum period needed to file a patent application, or for any other reasonable need. Data should be released early if benefit to the public is likely.

No data may be published or made available in a form that would breach a confidentiality. For example, the medical and financial records of an individual are private. The identity of human subjects is also typically held in confidence. The confidential aspects of confidential data are to be protected by both the custodian and the owner of the data. This may include physically securing the data. When a means of hiding the identity of a protected individual or entity is possible, say by the encoding or removal of names, such steps will be taken so that the data may be made public to the greatest extent possible. If the data cannot be made satisfactorily anonymous, it shall not be made public, and the Vice Chancellor for Research and Engagement will be informed of the existence of the data and the reasons that it cannot be made public. The creator of the data must make every reasonable effort to release the data in a useful form. If the veracity of confidential research data is challenged, the creator must cooperate with the Vice Chancellor for Research and Engagement to devise a means to satisfy the challenge. As owner, the University will defend any challenge, with the cooperation of the researcher. All applicable laws and legal protections regarding confidentiality will be obeyed.

Data that is deemed sensitive may require restricted access or other limitations. The owner and custodian of such data will comply with applicable laws.

Applicable non-disclosure agreements must be honored. However, the Vice Chancellor for Research and Engagement must approve any non-disclosure agreement ahead of time and be a co-signer. Such agreements shall generally be of limited duration, to give a sponsor sufficient time to file a patent application or for other protection.

When a collaboration comes to an end, and data was created during the collaboration, each member of the collaboration shall retain access to that data.

**MOVED: That the Faculty Senate approve the Policy on Data Ownership, Retention, and Access at 52-06 the University of Massachusetts Amherst, as presented in Sen. Doc. No. 06-047.**